

REMARKS

This Preliminary Amendment is being submitted concurrently with a Request for Continued Examination (RCE). The foregoing amendments modify Claims 1 and 31. Claims 1-39 are now present in the application. Claims 36-39 have been added. Claims 20, 21, 25-30, 34, and 35 were previously withdrawn from consideration.

In the final rejection dated January 30, 2007, the Examiner rejected independent Claim 31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,653,714 to Dietz et al. ("Dietz"). Dietz, however, does not teach, "first and second guide members movably engaged between said guide body and said bone removal device wherein said first guide member is engaged by a first guide pin extending into said first guide member and into said guide body and by a second guide pin extending into said first guide member and into said bone removal device" as recited in amended claim 31. For at least this reason, independent claim 31 and dependent claims 32 and 33 which depend from and further limit claim 31 are believed to be in condition for allowance.

Also in the final rejection, the Examiner rejected independent Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Dietz in view of U.S. Patent No. 4,892,093 to Zarnowski et al. ("Zarnowski"). However, neither Dietz nor Zarnowski nor the combination teach, "a pair of guide members movably engaged between said guide body and said bone removal device, said guide members substantially aligned along an alignment axis substantially parallel to the longitudinal axis of the bone removal device, wherein the alignment axis and the longitudinal axis are non-intersecting" as recited in amended claim 1. For at least this reason, independent claim 1 and dependent claims 2-20, 23 and 24 are believed to be in condition for allowance.

New independent claim 37 has been added. Claim 37 appears to be allowable over the cited art for at least that reason that it includes the limitations,

a first guide system movably connected between the bone removal device and the guide body, the first guide member comprising a first intermediate body, a first pin extending between the bone removal device and the first intermediate body, and a second pin extending between the first intermediate body and the guide body, wherein the first and second pins are maintained in parallel alignment;

a second guide system movably connected between the bone removal device and the guide body, the second guide member comprising a second

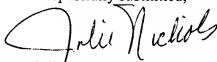
intermediate body, a third pin extending between the bone removal device and the second intermediate body, and a fourth pin extending between the second intermediate body and the guide body, wherein the third and fourth pins are maintained in parallel alignment; and

an alignment device movably engaged between the first and second guide systems,

wherein the first pin is movably guided in an at least partially orbital path about a central axis extending through the second pin and through the guide body.

In view of the foregoing amendments and added claims, the Applicant respectfully request further and favorable consideration of the present application. If the Examiner believes that examination of this application may be advanced in any way by a telephone conference, the Examiner is invited to telephone the undersigned attorney at 972-739-8647. No extension of time fees are believed necessary for consideration of the present paper. However, if any fees, including extension of time fees, are necessary, the extension of time is hereby requested, and the Commissioner is hereby authorized to charge any fees, including those for the extension of time to Haynes and Boone, LLP's Deposit Account No. 08-1394.

Respectfully submitted,




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Gayle Conner

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